

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KILEY WOLFE	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
vs.	:	NO. 07-348
	:	
MCNEIL-PPC INC.; MCNEIL	:	
CONSUMER & SPECIALTY	:	
PHARMACEUTICALS, a division of	:	
MCNEIL-PPC, INC.; MCNEIL	:	
CONSUMER HEALTHCARE, a division	:	
of MCNEIL-PPC, INC.; JOHNSON &	:	
JOHNSON, INC., and JOHNSON &	:	
JOHNSON PHARMACEUTICAL	:	
RESEARCH AND DEVELOPMENT,	:	
LLC,	:	
	:	
Defendants.	:	

O R D E R

AND NOW, this 30th day of March 2011, upon consideration of Motion of Defendants for Summary Judgment (Document No. 65, filed August 27, 2010), Plaintiff's Response in Opposition to the Motion for Summary Judgment by All Defendants (Document No. 66, filed September 27, 2010), Reply Memorandum of Law in Support of Defendants' Motion for Summary Judgment (Document No. 105, filed October 20, 2010) and Plaintiff's Sur-Reply Memorandum in Opposition to Defendants' Motion for Summary Judgment (Document No. 120, filed November 15, 2010), for the reasons set forth in the Memorandum dated March 30, 2011, **IT IS ORDERED** that Motion of Defendants for Summary Judgment (Document No. 65, filed August 27, 2010) is **DENIED IN PART** and **GRANTED IN PART**, as follows:

1. Those parts of the motion that address plaintiff's claims for negligent failure to

warn, strict liability failure to warn and punitive damages, are **DENIED**; and
2. The motion is **GRANTED** in all other respects.

BY THE COURT:

/s/ Hon. Jan E. DuBois

JAN E. DUBOIS, J.